

**REMARKS/ARGUMENTS**

Claims 18-23, 27-33, 35 and 36 are pending in this application.

Claims 18-20, 23, 27, 29-31, and 35 are rejected under 35 USC §103(a) as being unpatentable over Gagne et al. (6,401,178) in view of Schreiber (6,341,333).

Independent claims 18, 20, 27, 29, 31, and 35 have been amended to recite sending a message from the first computer to the second computer indicating the forming of the simplex state. This action is shown in Fig. 2 of the pending specification and discussed on page 7, lines 6 and following. In addition to earlier submitted arguments regarding distinctions between the pending claims and Gagne et al., it is further submitted that Gagne et al. do not show or suggest that one computer communicates with another computer subsequent to forming the simplex state, in the manner recited in the claims. See, for example, the discussion of the SPLIT command beginning in column 8 of Gagne et al. At column 10, lines 1-7, they make no mention of communicating a message between computers after a SPLIT command has been processed.

Independent claim 18 additionally recites sending a second message from the second computer to the first computer subsequent to forming a second duplex state. Gagne et al. do not show or suggest this element of claim 18. For example, their discussion of the REESTABLISH command beginning on column 10 does not disclose that there is any communication between computers in response to the REESTABLISH command.

Independent claim 27 additionally recites terminating an application running on the first computer and subsequent to the termination, forming a simplex state. A review of Gagne et al. in connection with the SPLIT command does not reveal that an application program is terminated and the subsequent to the termination, the SPLIT operation is performed. Gagne et al. do not show or suggest this element of claim 27.

Appl. No. 09/697,088  
Amdt. sent October 14, 2005  
Reply to Final Office Action of June 28, 2005

PATENT

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



George B. F. Yee  
Reg. No. 37,478

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415-576-0300  
GBFY:gjs:cmm  
60555747 v1